REMARKS

Claims 1-18 are pending. Claims 1, 7 and 13 are independent.

The examiner uses McClard to reject claims 1, 4, 5, 7, 10, 11, 13, 16 and 17 as having

been anticipated.

Claims 1, 7 and 13 recite "adding a category from the first set to a second set of

categories of broadcasted programs in response to one of selecting the category from the first set

and tuning a broadcasted program viewing device, for a period of time at least equal to a first

predetermined threshold, to at least one broadcasted program predetermined to be in the category

from the first set," or similar language. McClard neither describes nor discloses this quoted

claim feature.

The examiner argues that this feature is disclosed in McClard at col. 5, lines 54-61, and at

col. 5 lines 33-42, reproduced below for the convenience of the examiner:

> Next the method includes receiving an input signal from the identified viewer indicating the tuning to
> of a channel, as shown in block 82. If the channel remains tuned to for at least a predetermined time
> period, such as ten or fifteen minutes, the program and channel information is stored in a memory,
> as shown in block 84, thereby updating the identified viewer's past reception history every time a
> program is viewed for at least the determined time period. [McClard, col. 5, lines 54-61]

> Upon receiving an input signal generated in response to the depression of one of the viewer
> preference keys 74 and 76 by an identified viewer, processor 50 functions to determine which channel
> is currently assigned, or showing, a program corresponding to indicated viewer preference and what
> order of preference the viewer would prefer to watch the determined programs (i.e., which of the
> programs would the identified viewer most likely prefer to view). [McClard, col. 5, lines 33-42]

However, nowhere in the examiner's referenced lines, or anywhere in McClard, is there disclosed

adding a category from the first set to a second set of categories of broadcasted programs in

response to one of selecting the category from the first set and tuning a broadcasted program

viewing device, for a period of time at least equal to a first predetermined threshold, to at least

one broadcasted program predetermined to be in the category from the first set.

McClard is very different from applicant's claimed invention. McClard is all about

program selection based on historical information:

> Referring to FIG. 1, a flow diagram outlining the general method of program selection based on the
> past selection habits, or history, of an identified user is illustrated. The method includes receiving an
> input signal indicating the identity of the user, as shown in block 10 in FIG. 1. Next, the method
> includes receiving a first input signal indicating a first selection preference, as shown in block 14.
> Preferably, the selection preferences of the present invention are "favorite channels" and "favorite

categories", as will be explained further below. However, it is contemplated that other selection preferences may also be employed. As shown in block 16, the method next includes determining which channel is currently assigned a program corresponding to the highest reception frequency for the first selection preference in a past reception history of the identified user for the current time period.

In a preferred embodiment, the user is a television viewer and the method further includes automatically tuning to, and displaying on, a television monitor the determined channel as shown in block 18. [McClard, col. 3, lines 12-32]

Nowhere does McClard describe or suggest, for example, a first set and a second set of categories of broadcasted programs. This first and second set is not analogous to McClard's single program database stored at the headend:

Head-end server 34 includes a program database 36 that stores the program information, including the running period (as determined by the program start time and end time) and the content/genre category of each program available during a particular time frame, such as a one day period. [McClard, col. 4, lines 35-39]

Accordingly, claims 1, 7 and 13 are not anticipated by McClard.

The examiner uses McClard and Ohkura to reject claims 2, 6, 8, 12, 14 and 18 as having been obvious.

Claims 1, 7 and 13 recite "adding a category from the first set to a second set of categories of broadcasted programs in response to one of selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set," or similar language. McClard, as discussed above, fails to teach or suggest this quoted claim feature.

Ohkura fails to teach, suggest or even mention categories, let alone a first set of categories and a second set of categories. Thus, no combination of McClard and Ohkura can teach or suggest adding a category from the first set to a second set of categories of broadcasted programs in response to one of selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set. Accordingly, claims 1, 7 and 13 are not obvious in view of McClard and Ohkura.

Claims 2, 6, 8, 12, 14 and 18 depend upon, and add further limitations to, claims 1, 7 and 13. Accordingly, claims 2, 6, 8, 12, 14 and 18 cannot be obvious in view of McClard and Ohkura.

The examiner uses McClard and Moro to reject claims 3, 9 and 15 as having been obvious.

As discussed above, claims 1, 7 and 13 recite "adding a category from the first set to a second set of categories of broadcasted programs in response to one of selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set," or similar language. McClard, as discussed above, fails to teach or suggest this quoted claim feature.

Moro fails to teach, suggest or even mention categories, let alone a first set of categories and a second set of categories. Thus, no combination of McClard and Moro can teach or suggest adding a category from the first set to a second set of categories of broadcasted programs in response to one of selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set. Accordingly, claims 1, 7 and 13 are not obvious in view of McClard and Moro.

Claims 3, 9 and 15 depend upon, and add further limitations to, claims 1, 7 and 13. Accordingly, claims 3, 9 and 15 cannot be obvious in view of McClard and Moro.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.
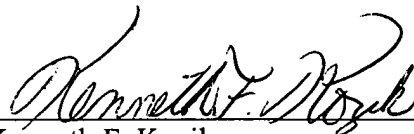
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Respectfully submitted,

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